

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 2/4/2008	Department ID Number: CS08-005

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: MAYOR PRO TEM KEITH BOHR AND COUNCIL MEMBER DON HANSEN *[Signature]*

PREPARED BY: JIM B. ENGLE, DIRECTOR OF COMMUNITY SERVICES *[Signature]*

SUBJECT: APPROVE THE TERMINATION OF LICENSE AGREEMENT FOR THE HUNTINGTON BEACH HIGH SCHOOL SKATEBOARD AREA

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)
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Statement of Issue: The Huntington Beach Union High School District is asking the City of Huntington Beach to approve the Termination of License Agreement for the Huntington Beach High School skateboard area.

Funding Source: N/A

Recommended Action: Motion to:

Approve the Termination of License Agreement between the City and the Huntington Beach Union High School District to terminate the 1994 license agreement for the skateboard area at Huntington Beach High School.

Alternative Action(s):

Do not approve the Termination of License Agreement and direct Huntington Beach Union High School District Skateboard Area Committee Council liaisons Keith Bohr and Don Hansen, and staff as to how to proceed.

Analysis: On January 18, 1994, the City of Huntington Beach entered into a license agreement with the Huntington Beach Union High School District (District) to provide improvements and joint use of a skateboard area at Huntington Beach High School (HBHS). The ten-year term of the agreement has passed and the agreement now continues on a year-to-year basis. Either party can terminate the original agreement.

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The District is undertaking a major renovation of the HBHS stadium. The District indicates that to accommodate the skateboard area at its current location would require an additional \$300,000. The District has also been experiencing negative impacts from participants at the existing skateboard area. Coaches and teachers have indicated that there has been inappropriate language directed at students. The track within the stadium is adjacent to the skateboard area. It has been damaged by sodas, litter, etc., from skateboarders. The District indicates that there has been other inappropriate behavior and a general lack of respect for the skateboard area and school grounds by skateboarders. These negative actions are presumed to be caused by a minority of the users, but the end result is that the District indicates the current site has been problematic for the school administration, staff, and students. The District needs to move forward with the stadium remodel.

There has been a District and City Council subcommittee formed to discuss options. The District Board of Trustees representatives are Dr. Michael Simons and Susan Henry with City Council liaisons Bohr and Hansen representing the City. The committee has discussed alternatives including the potential relocation of the skateboard area to Worthy Park, which is on the south side of HBHS. However, this project is not in the City's Capital Improvement Projects budget. There are many city projects not funded or only partially funded and the park fund does not have the necessary reserves to fund a replacement skateboard area at Worthy Park which is estimated to cost approximately \$600,000.

The District is recommending a joint termination of the license agreement. In addition to terminating the existing agreement for the skateboard area at HBHS, the termination agreement will waive the demolition cost for the current skateboard area which is, per the original agreement, the responsibility of the City. The agreement also indicates that the District is allocating \$75,000 toward the development of a new skateboard area at Worthy Park if the project can be completed within three years.

Council liaisons Bohr and Hansen expressed concern that the City fully funded the original skateboard area even though it was a joint project originally recommended by the District to address problems at HBHS. Because the original agreement was for a ten-year term that ended in 2004 and the District has the right to unilaterally terminate the year-to-year agreement, Council Members Bohr and Hansen are recommending approval of this agreement so that the city can avoid demolition costs which are estimated to be \$50,000. Although there is currently no funding in the Park Acquisition and Development Fund to move forward with a new skateboard area at Worthy Park, there could be a possibility in the next three years for the city to receive grants for the project. If grants were available, the District has agreed, as part of this agreement, to contribute \$75,000 toward the project.

Strategic Plan Goal: Improve the City's plan for funding and completing infrastructure needs, and develop strategies for resolving crucial infrastructure problems to preserve the physical foundation of the community and enable the community's value to grow.

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Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
4	1.	Termination of License Agreement
5	2.	Site Aerial

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ATTACHMENT #1

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TERMINATION OF LICENSE AGREEMENT

This termination of License Agreement is made and entered into this ____ day of _____ 2008, by and between the City of Huntington Beach, a California Municipal Corporation (hereinafter referred to as "City") and the Huntington Beach Union High School District (hereinafter referred to as "District").

RECITALS

A. The City and the District entered into a License Agreement dated January 18, 1994 (hereinafter referred to "License Agreement") which provided for improvements and joint use of facilities located at Huntington Beach High School which improvements included a skate board area.

B. The initial term of the License Agreement has concluded and the license provided by the agreement has continued on a year to year basis.

C. The District is undertaking certain renovation projects in connection with the stadium at the High School which will result in the demolition of the skate board area.

D. It is the desire of the parties to provide for the termination of the License Agreement while at the same time providing alternatives for community skate board facilities and to establish any remaining duties and responsibilities of the parties as a result of the elimination of the skate board area as set forth in the License Agreement.

NOW THEREFORE IN CONSIDERATION OF the mutual covenants and promises contained herein, the parties agree as follows:

1. The License Agreement shall terminate for all purposes including, but not limited to, the elimination of the skate board area effective June 30, 2008.

2. If the City within its sole discretion undertakes and completes at Worthy Park the building of a skate board area equivalent to the skate board area which was located on the Huntington Beach High School premises by March 1, 2011, the District will reimburse the City

for 25% of the actual costs of construction up to a maximum of Seventy-Five Thousand dollars (\$75,000).

3. The District will waive any and all reimbursement for costs related to maintenance of the skate board area and notwithstanding paragraph 7 of the License Agreement, will be responsible for all costs associated with the demolition of the skate board area.

4. This Agreement is subject to the approval of the District's Governing Board and the City Council.

In witness whereof the parties hereto have executed this Agreement through their authorized officers on the day and year first above written.

Dated: _____ HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT

By: _____

Dated: _____ CITY OF HUNTINGTON BEACH MUNICIPAL CORPORATION

By: _____ Mayor

INITIATED AND APPROVED

Jani B. Eagle
Director of Community Services

City Clerk

REVIEWED AND APPROVED

[Signature]
City Administrator

APPROVED AS TO FORM
JENNIFER McGRATH, City Attorney

[Signature] 1/29/08
By Paul D'Alessandro
Assistant City Attorney

ATTACHMENT #2

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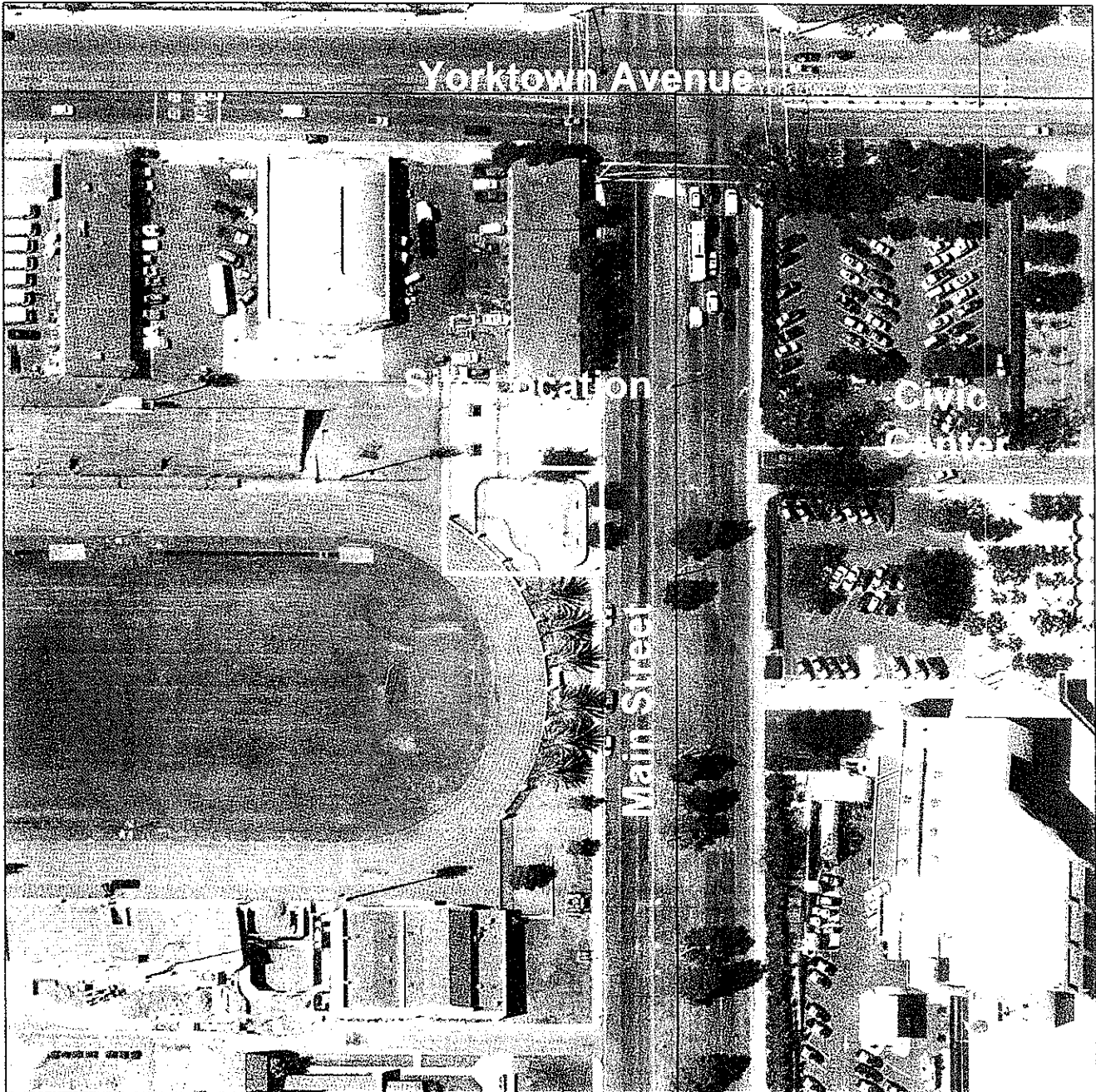
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Huntington Beach High School Skate Park

SITE LOCATION



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